Office-Supreme Court, U.S.
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OCT 17 1983
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IN THE

Supreme Court of the United States

October Term, 1983

No. .....

VENOLA WALTON,
Plaintiff, Appellant, Petitioner

-v-

SMALL BUSINESS ADMINISTRATION
Defendant, Appellee, Respondent

Petition for Writ of Certiorari to The United States Court of Appeals for the District of Columbia Circuit

VENOLA WALTON
Plaintiff, Appellant, Petitioner
539 West 148th Street
New York, N.Y. 10031

Petitioner,
Representing Myself

Question Presented

Whether the Small Business Administration intentionally discriminated against *me,* denied *me* an economic opportunity loan, engaged in a conspiracy and fraud, closed *my* business, prevented me from economic growth, and whether, where this was a Black owned business, and had met all of the Small Business Administration requirements and standards, was pruposely denied all of the opportunities and advantages and protection provided for, by the laws, to improve and expand *my* business. And where this case involves important Federal and Consitutional questions, and genuine issues of material fact, was subject to summary dismissal, and whether the District Court lacked subject matter jurisdiction over this claim, and whether the Administrator exercised his authority in the interest of my business after having knowledge of agency wrong doings.

Plaintiff-appelant, a Black women who had an established dress factory in the garment district at 347 West 39th Street, employing 20 people, when the defendant closed my business.

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U.S. Code Annotated, Title 28, Judiciary—Judicial Procedure 2281-2500, Sec. 2403 p. 389

28 USC 1252

Supreme Court Practice, Third Edition, Sec. 2-5

Rel. (16-1971) (Moore F.P.) page 510 35 Hazel & Atlas Glass Co. v. Hartford Empire 1944 322 U.S. 238, 246

Prosser on Torts at 950-95 (3d ed. 1964)

*42 U.S.C. 2901, 2903, 2905, and 2906; Economic Opportunity Act of 1964, as amended, sections 401-404; Public Law 88-452, as amended; 78 Stat. 526.

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AUTHORITIES CITED

The Federal Civil Rights Act
(42 USC 1985) Chapter 7

It gives every citizen involved in litigation the right to be free of conspiracy "for the purpose of impending, hindering, obstructing, or defeating in any manner the due course of justice in any State or Territory, with intent to deny to any citizen equal protecttion of the laws, or to injure him or his property, for lawful enforcing or attempting to enforce, . . . of any persons, or class of persons, to the equal protection of the laws."

(1985-97) (3) "Equality,"— the right to be free from a denial of equal protection in employment and business opportunities is protectable under this subsection. To illustrate: "An action was held to lie when city officials intentionally discriminated against a Negro Liquor License holder and revoked his license."

The Circuit Court of Appeals has also held that an architect stated a cause of action under this subsection when he alleged a conspiracy of city officials subjecting him to unlawful discrimination in regularly and deliberately denying his application.

The Court of Appeals ruled there was no cause of action when the defendant in a civil suit had allegedly misappropriaged exhibits, introduced perjured testimony and made untrue and slanderous statements about the plaintiff.

42 U.S.C. 2901, 2903, 2905, and 2906; Economic Opportunity Act of 1964, as amended, sections 401-404; Public Law 88-452, as amended; 78 Stat. 526.
Federal Rule of Civil Procedure

Rule 60 (B), 28 U.S.C. § 2675
28 U.S.C. § 13456 (B)

Federal Tort Claims Act.

Part 3 — Suits on Tort Claims against the United States

"Sec. 410—(A) Subject to the provisions of this title, the United States District Court wherein the plaintiff is resident, or wherein the act or omission complained of occurred, including the United States district courts for the territories and possessions of the U.S., sitting with or without a jury, shall have exclusive jurisdiction to hear, determine and render judgment on any claim against the United States, for money only occurring on and after January 1, 1945, on account of damage to or loss of property or on account of personal injury or death caused by the negligent or worngful act or ommission of any.

*"Rule (56) clearly establishes that there are genuine issues of material facts that must be tried in this suit. Plaintiff was deprived of her constitutional rights to operate my business.

"The moving party have the burden of clearly establishing that there is no genuine issues of material facts; the record must be adequate for the legal decision involved, and substantive legal principles must warrant judgment for the party in whose favor it is rendered. When these principles are satisfied summary judgment may be rendered for the claimant or for the defending party."

Pursuant to the Federal Rule 56 there can be no bar in this action.

Rule 56 holds in every instance that the record must be factually accurate, that there is no genuine issues of material fact, for the granting of summary judgment. Rule 56-(58)—The Statute—a defending party may move for summary judgment on the basis of the statute of limitations. There is authority that if the defendant first files an answer and fails to plead the statute of limitations, and then later moves for summary judgment on the basis of limitation, his motion must be denied on the theory that he has waived the defense and cannot therefore avail himself or it unless relieved by appropriate actions.

Federal Rule 56

Summary judgement should have been denied. Rule 56, page 738, states while a defendant would be entitled to summary judgment on the basis of one good affirmative defense that does not involve a triable issue of fact, summary judgment must be denied where there is a triable issue of fact in connection with each affirmative defense upon which the defendant's motion is predicated. The statute of limitation cannot apply in this suit.

Prior to filing this suit in the U.S. District Court in New York, plaintiff filed a complaint with the Small Business Administrator, Mr. Thomas S. Kleppe on August 11, 1975. They investigated, and sent me their findings.

I informed them that their findings had many false statements and had omitted many facts that needed to be brought out for justice to be done. They then requested that I send them what facts I alleged as false and what proof I had of such. I refused to send them my proof. I requested a hearing to present it in person. The Administrator's office ignored my request, after several letters were transmitted between us.

I then went to the Civil Liberty Union. I told them what had transpired theretofore, and told them I would not send them any proof unless I am able to go into the Small Business Administration office and review my file. It was through their office than an appointment was made for me to review my file.

I went to the SBA'S office and reviewed that information and was given copies of it. Washington's SBA office closed my case after the appointment was made for me to review my file. I prepared the information the SBA in Washington had requested and mailed it to them and requested that they reopen my case.

They refused to reopen my case, stating that they found no wrongdoings by the SBA in New York. The question is substantial because this was the information the SBA in Washington had sent me in their findings, and gave as the

reason my loan was denied in 1965. My complaint, these findings, and the letters, were filed in the U.S. District Court for the Southern District in New York, along with my documented proof of Agency's wrong doing, in the nature of cancelled checks, SBA form No. 389, payment transactions, health, welfare and severance fund reports, and other documents, proving that the Small Business Administration intentionally and maliciously discriminated against me.

Petitioner contends, a complaint was filed with the administrator, Mr. Kleppe, in Washington, D.C. They sent me their findings. SBA closed my case and would not reopen it after gaining knowledge of agency wrong doings.

The Small Business Administration unlawfully discriminated against me, engaged in a conspiracy and fraud, destroyed my business and profession, and character, and deprived me of all of the opportunities and advantages provided for by the laws deprived me of economic growth.

IN THE
SUPREME COURT OF THE UNITED STATES
OCTOBER TERM, 1983

No.

VENOLA WALTON
Plaintiff, Appellant, Petitioner,

- VS. -

THE SMALL BUSINESS ADMINISTRATION
Defendant, Appellee, Respondent,

Petition for Writ of Certiorari to The United States Court of Appeals for the District of Columbia Circuit

Venola Walton, plainfiff, appellant, and petitioner in this suit, (hereinafter referred to as alternative) prays that a writ of certiorari issue to review the order rendered by the United States court of appeals for the District of Columbia Circuit, entered on July 18, 1983. Appealed from the United States District Court for the District of Columbia, that court ordered that plaintiff's complaint for relief from judgment be dismissed, entered September 27, 1982, was a judgment which was rendered by the United States District Court for the Southern District of New York, in 76 Civ. 3208 (JMC) entered January 23, 1978. The judgment was based on fraud, misrepresentation, etc. Plaintiff sought relief from judgment in the court which rendered the judgment, relief was denied, Entered March 10, 1982.

OPINIONS

THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

NO. 83-1013

VENOLA WALTON
Plaintiff, Appeallant

-vs-

SMALL BUSINESS ADMINISTRATION
Defandant, Appelee,

The United States Court of Appeals affirmed on the opinion of the U.S. District Court for the District of Columbia, which upheld the United States District Court in New York, memorandum decision and judgment dismissed my complaint with prejudices, was entered July 18, 1983.

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

78 Civil 3208 (JMC)

Judge John M. Cannella ignored my demand for a jury trial, with oral argument, and did not concern himself about the facts and issues in this case, or the substantial evidence I presented to support my charges and claim. I was ignored completely. The judge did not examine the facts and issues involved, and denied me my right to be heard. This case was never tried. Unable to get legal representation, I had to proceed pro se. However, I presented the facts and issues to the court but the judge refused to examine them, to cover up agency's wrong doings awarded the defendants, Small Business Administration, a judgment against me. The judgment was based on fraud, misrepresentation, misappropriated exhibits, perjured testimony and untrue and slanderous statements. And Judge Cannella, knowingly and intentionally, participated in perpetrating fraud upon the court. The plaintiff filed a

motion for relief from that judgment pursuant to Fed. Rule 60 (b) and 6 of subdivision (b) of Fed. Rules of Civil procedure. The motion was denied as being untimely filed.

ORDER OF UNITED STATES COURT OF APPEALS
SECOND CIRCUIT, DATED JUNE 19, 1978

On consideration whereof, it is now hereby ordered, adjudged, and decreed that the judgment of said District Court be and it hereby is affirmed on the opinion of Hon. John M. Cannella, District Judge, in 76 Civ. 3208 (Jan. 17, 1978) in the accompanying exhibits.

THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA
CIVIL ACTION NO. 82-1604

Pursuant to Federal Rule 60 (b) and (6) of Subdivision (b), plaintiff filed an independent action on June 10, 1982 for relief from a final judgment. The court dismissed plaintiff's complaint with prejudice. September 27, 1982. Plaintiff filed a petition for the judge to reconsider his decision. Dismiss dismissed with prejudice to his decision and the decision of the U.S. District Court for the Southern District of New York: "The decision must be interpreted as *res judicata.*"

IN THE
SUPREME COURT OF THE UNITED STATES
OCTOBER TERM

No. 78-809

VENOLA WALTON, Appellant

-vs-

SMALL BUSINESS ADMINISTRATION, Appellee

The opinion of the Supreme Court of the United States, Washington, D.C. 20543 treating papers as petition for writ of certiorari, certiorari denied Feb. 21, 1979. Petition for rehearing was timely filed, court denied the petition for rehearing April 16, 1979.

JURISDICTION

This suit is a civil action by the petitioner to set aside a judgment in this governmental action. Seeks a redress for violations of constitutionally guaranteed rights. The judrisdiction of this court is invoked under 28 U.S.C.A. 1254, the Federal Tort Claims Act. Title 4, Sec. 410-411, the Federal Civil Rights Act Chapter 7 (42 U.S.C. 1985). One important constitutional question is whether plaintiff was unlawfully discriminated against, denied an Economic Opportunity loan to improve and expand her business by the S.B.A. and tortiously interfered with plaintiff's business and business contracts. Prevented her from economic growth. This suit involves the Economic Opportunity Act of 1964. And petitioner invokes that act, Rules 56, 60 (b) and (6) of subdivision (b) and 38, Federal Rules of Civil Procedure. Also the 1st, 7th, and 14th Amendments to the constitution of the United States for violation of constitutional rights.

Question Presented

Whether the Small Business Administration intentionally discriminated against *me*, denied *me* an economic opportunity loan, engaged in a conspiracy and fraud, closed *my* business, prevented me from economic growth, and whether, where this was a Black owned business, and had met all of the Small Business Administration requirements and standards, was pruposely denied all of the opportunities and advantages and protection provided for, by the laws, to improve and expand *my* business. And where this case involves important Federal and Consitutional questions, and genuine issues of material fact, was subject to summary dismissal, and whether the District Court lacked subject matter jurisdiction over this claim, and whether the Administrator exercised his authority in the interest of my business after having knowledge of agency wrong doings.

Plaintiff-appelant, a Black women who had an established dress factory in the garment district at 347 West 39th Street, employing 20 people, when the defendant closed my business.

STATEMENT OF CASE

This was an appeal by the plaintiff-appaelant Venola Walton from the memorandum and order of Oliver Gasch, D.J., United States Court for the District of Columbia, entered on September 27, 1982. Although the court said it had pending before it plaintiff's Rule 60 (b) motion, plaintiff filed an Independent Action, under Rule 60 (b), served a summons and complaint with accompanying exhibits upon the defendant, Small Business Administration, the District Attorney and the Attorney General for relief from judgement rendered by the U.S. District Court in New York. The summons' were not answered as required by law.

The petitioners motion for relief from judgement pursuant to Fed. R. Civ. P. 60 (b) 6 of subdivision (b). . It was denied as untimely by order of John M. Cannela, D.J., entered March 10, 1982. In the judgement 76 Civ. 3208 (JMC) of John M. Cannella, D.J., United States District Court for the Southern District of New York, entered on January 23, 1978. "This is a judgement where it appears that the judge participated in perpetrating fraud upon the court. In a govermental action pursuant to Federal Rule 60 (b) and (6) of Subdivision (b), I, Venola Walton, Pro Se Plaintiff, filed an independent action to set aside a final judgment. And the rule expressly does not limit the power of the court, when fraud has been perpetrated upon the court, from granting relief under the saving clause, and to grant relief for any other reason justifying relief from the operation of the judgement.

This petition for Writ of Certiorari should be granted because, this case involves an act of congress, The Economic Opportunity Act of 1964, as amended Section 401 - 404; Public Law 88 - 452, as amended: 78 Stat - 526. Under that act, the program title, economic opportunity loans for small business was created.

The program provied management assistance and loans up to $25,000.00 with a maximum maturity of 15 years, to persons with low-income and the disadvantaged, for small businesses.

ELIGIBILITY TO APPLY - Included people with low incomes and people who due to social or economic disadvantages have been denied the opportunity to acquire business financing through normal lending channels on reasonable terms.

The Leading Objectives

The Small Business Administration, by the direction of congress, has as its primary goal, the preservation of free, competive enterprise in order to strengthen the nation's economy. The plaintiff was deprived of the opportunity provided for under that program.

The provision under this act raises these exceptional important questions, whether the Small Business Administration intentionally discriminated against the plaintiff, engaged in a conspiracy and fraud, placed false documents in my S.B.A. file, would not allow work to come into plaintiff's shop, denied me all of the opportunity and advantages provided for under the economic opportunity act of 1964, unlawfully closed plaintiff's business in which she employed 20 people, prevented her from economic growth, and developing to the fullness of my potentials, and the court refused to hear this case.

The plaintiff filed a complaint with the Small Business Administrative office in Washington, D.C. I provided them with documented proof of agency's wrong doings, in the nature of cancelled checks, S.B.A. form no. 389, payment transactions, health, welfare and severance fund reports, and other documents, proving that the Small Business Administration in New York, intentionally and maliciously discriminated against me, denied me an economic opportunity loan, in 1965, to improve and expand my business, obstructed my lifelihood, prevented me from participating in the economic growth of our country. The administrative office findings, contained false statements as to the reason my 1965 loan application was denied, had requested these documents. The Small Business Administrative office in Washington did not exercise its

authority to protect my business, closed my case and would not reopen it, after having knowledge of agency's wrong doings. That complaint was filed in the U.S. District Court, along with the agency's findings.

The plaintiff was unable to get a lawyer to take the case, had to proceeded *pro se*. I filed this suit in the Federal District Court, and thereafter appealed it to the U.S. Court of Appeals, Second Circuit.

The District Court in New York discusion was adversely to the constitutionality of acts of congress and federal statutes and rules. The court violated my 1st, 7th, and 14th amendment rights under the constitution of the United States.

The Facts Are:

1. The plaintiff is a black woman who owned and operated a dress manufacturing and contracting business at 347 W. 39th Street, New York, N.Y. She opened her business in May 1964. With her money, she made a job for herself and others, before the Economic Opportunity Act of 1964 was passed to set up and aid minority businesses.

The Small Business Administration intentionally discriminated against me, engaged in conspiracy and fraud to prevent plaintiff, a black woman from operating a successful business, participating in the economic growth of our country. The defendant's actions raise questions for review.

The questions are so substantial because my Federal and Constitutional rights have been violated. I was denied the right to operate my business; I was denied the right to equal opportunities and protection provided for by the laws and equal protection under the laws in the courts.

The 14th Amendment to the Constitution of the United States provides for these rights and privileges, and they shall not be abridged.

The question is substantial because I am a productive citizen. I was producing, I was contributing to the economic growth of our country. I was giving jobs to people and had a job for myself. The defendant destroyed that.

I was unlawfully cut off, denied the right to participate in our free enterprise system, because my skin is black.

It is my right to develop to the fullness of my potential. I had a right to own and operate my business without interference.

In 1965 The Small Business Administration intentionally discriminated against me, denied me an Economic Opportunity Loan, placed false documents in my SBA file, would not allow work to come into my shop, committed many unlawful acts, closed my business, in which I employed 20 people.

When the opportunity came to obtain financing through the Economic Opportunity Loan Program, plaintiff applied for an Economic Opportunity Loan for $25,000.00, The Small Business Administration granted me a $6,000.00 loan in November, 1964. Business showed growth and a need for expansion and improvement in my business operation. In June, 1965 I applied for an Economic Opportunity Loan for refinancing.

2. I spoke to Mr. Gordon, an S.B.A. officer, who was assigned to visit my shop and aid me with such matters, advised that I have my jobber write a letter to the S.B.A. to assure them that I would have sufficient income to repay the loan. The letter was sent. The application was completed. I am waiting for them to make the loan. Appendix at 1a. Bell Maid Dress Corp mailed the Small Business Administration a letter, addressed to Mr. Gordon and advised them as follows:

> Miss Venola Walton, doing business as Emygrant Fashions, 347 West 39th Street, New York, New York is severely limited in her contracting operation; additional machines (approx. 40), larger factory area, and other facilities are needed to modernize and improve her present operation.
>
> Belle Maid Dress Corp. has given Miss Walton work for several months, and has found her to be quite competent and efficient to produce in proportion to the size of her shop.

Belle Maid Dress Corp., can and will provide work for Miss Walton, on a continuing basis, upon the condition of shop expansion to larger quarters. That letter is printed at appendix 1a

The plaintiff, after waiting so long, called the S.B.A.'s office to check on the loan. Nothing had been done. My application was just lying there. They told me I had to get another contract. I questioned them, "Why should I get another contract when I have a jobber who has committed himself to the Small Business Administration to supply me with continuous work, to the capacity of my shop." The S.B.A. replied, "Well you will have to get another jobber." Through their help, I secured another contract from Anne Fogarty at 550 7th Avenue on October 5th, 1965. On that date the plaintiff, Venola Walton, received one sample and one cut garment to reproduce it as the sample, for their approval. The garment was made and submitted to Anne Fogarty on October 7, 1965. It was highly approved on the quality of work and they were ready to send the work into the shop. The new contract is printed at Appendix 2a.

I was behind in my rent at that point. Several months had passed since the defendant, Small Business Administration had requested and received the letter from my current jobber, Belle Maid. The defendant had interferred with plaintiff's work to deplete her capital. When they were ready to send the work into my shop the Small Business Administration replied, "We can't let you take the work because the landlord will lock you out and the company would not be able to get the work to fill their orders. The Defendant, S.B.A. pretended that they would contact my landlord, that he might agree to grant me time for them to process the loan, and for me to take the work. They reported back to me that my landlord refused to grant me time for them to process the loan.

They had not contacted my landlord. I told them, my landlord would not close my doors if he knew that I had work. I went to my landlord with the situation. My

landlord wrote a letter to the Small Business Development and Opportunity Corp., 361 W. 125th Street, New York, N.Y. 10027, Attention Mr. Charles Hanley, dated October 20, 1965. (Mr. Stephen Gordon brought Mr. Hanley by days before they informed me that my landlord would not grant them time to process the loan, and introduced him as the gentleman who would be assisting him with processing my loan application.) The letter advised as follows:

> This is concerning our pending summary proceedings against Miss Walton for September and October rent and other incidental charges, that we will withhold any further action until December 15, 1965.

That letter is printed at Appendix 4a.

My landlord granted me generous time for the Small Business Administration, the defendant to process the loan and for me to work. The S.B.A. still would not let the work come into my shop.

I was unaware that the Small Business Administration was not acting in good faith up to this point. When they had demanded that I get a new contract, and when the work was ready, they would not let me take the work.

(False Statements)

In a report to Regional Director, comments of Loan Specialist:

> "Field Visit of 7/1/65, disclosed that borrower, plaintiff had contacted their office that she had filed an application for a new loan. Contact was made with the Small Business Development and Opportunities Corporation who advised an application was submitted by borrower on 11/11/65. However, application was not processed due to the seizure and sale of borrower's assets by the I.R.S."

This document is at Appendix 4 at 52

The petitioner contends that if she had filed for a new loan on 11/11/65, the I.R.S. did not put the seal on the door until 11/29/65. And the sale was on December 14, 1965,

in spite of the 1964 Economic Opportunity Act that had as its primary goals, the preservation of free competitive enterprises in order to strengthen the nation's economy. The Small Business Administration held my application for a loan 6 months and never processed it. And during the course of that time, the S.B.A. tortiously interferred with my business and business contracts to deplete my capital. Their interference had caused an inability to meet my obligations. I was denied an equal opportunity to operate my business.

The court denied the plaintiff the opportunity to present her defense against the alleged charges and false statements by the defendant, S.B.A., and granted the judgment based on fraud against plaintiff. A document United States Government Memorandum, dated June 13, 1966. Borrower is out of business as a result of a seizure and sale of assets by the Internal Revenue Service for non-payment of withholding taxes. Venola Walton called on 6/13/66 and informed L/S that she is currenly employed by Ronnie Fashions of 1400 Broadway, New York, N.Y. Prior to borrower's obtaining her present employment, she was receiving Public Assistance from the Welfare Department in New York. Document Appendix 5◆. at 62

The petitioner contends that she never worked for that company and presented her 1966 tax statement and W2 forms for proof.

The Court refused to raise any of these issues or examine any of the plaintiff's evidence on the facts and issues. The Judge completely ignored the important constitutional questions. I was unable to get a lawyer, but I have a legal right to represent myself, and to be given equal proterction under the laws to protect my property. I was denied those rights.

"Dressmaker tried to expand into contract manufacturing on S.B.A. Loan but quickly ran into difficulties and was padlocked by I.R.S. in 1966. See Appendix ◆. Miss Walton, the owner, is 50 and had only her household effects when S.B.A. made the ioan."

The petitioner presented these documents to prove my place of business. See Appendix 4a. A letter from Adams and Co., Real Estate:

> "Enclosed please find copy of your renewal lease covering the above captioned premises with our very best wishes. And printed here also is the face of the lease." APP. 9 at 12a

The petitioner was doing business.

The petitioner was a member of the United Better Dress Association. The petitioner was contracting work from Belle Maid when the Small Business Administration granted me the $6,000.00 loan on November 12, 1964, and I was still contracting from them when I applied for the Economic Opportunity Loan to improve and expand my business in June 1965. Appendix 13a, United Better Dress. I hope to prove to this court that my constitutionaly guaranteed rights have been violated. The defendant has violated my rights under the 1st, 7th, and 14th ammendments of the constitution of the United States. The latter provides as follows:

> "All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

Reason for granting the Writ

The court violated my constitutional rights and unlawfully cut off judicial review of agency action to cover up its wrong doings. In 15 U.S.C. 701-37 the statute precluding review generally. Provides as follows:

Judicial review will not be cut off unless clear and convincing evidence discloses that Congress has both considered and prohibited judicial review of agency action in question.

A statute must demonstrate clear and convincing evidence of an intent to preclude review before courts will cut off an aggrieved party's right to be heard. Withdrawal statutues comes into play when there has been a clear departure from statutory authority, and expose the offending agency to review of administrative action otherwise made reviewable by statute.

The defendant was advised to use several laws, rules, and statutes to prevent my case from being heard, and, if heard, the court would be precluded from granting injunctive relief. The S.B.A. is engaged in a conspiracy to wrongfully and unjustly dismiss my case.

It is my federal and constitutional right to a trial by jury. I have a right to be heard.

The questions are so substantial because when I filed this case in the District Court, I demanded a trial by jury as provided for in Title 28 U.S.C.A. Rule 38. *The court denied my request, and further,* granted the defendant's motion for leave to amend its answer and counterclaim to assert the Statute of Limitations as an affirmative defense, seven months after his first answer, after having knowledge of the validity of this case.

Rule 56 holds in every instance that the record must be factually adequate, that there is no genuine issues of material fact, for the granting of summary judgement. The court awarded judgment against me knowing the records were not clear. That there were important questions and issues to be tried in this govermental action.

There was in fact no adversary trial or decision of the facts and issues. The plaintiff was prevented from exhibiting fully her case by fraud and deception practiced on her by the defendant and the court, and prevented this case from ever going to trial for a real contest of the facts and issues, in the U.S. District Court in New York.

That court refused to reconsider their order denying appellant's petition for rehearing and properly act as a trier of facts and judge of the law. This case involves an act of Congress, and a federal agency violated that Act. And the district court condoned and participated in agency's actions, wrong doings.

The appellant has exherted every effort to deal with this case with respect and dignity for our judicial system. But the courts have not given the respect and attention that this case demands by law.

This is a Govermental Action, and, it involves important Constitutional and Public questions, and presents genuine issues of material facts which were never tried in a court of law. This Civil Action was and still is governed by Rule 56, the Federal Rule of Civil Procedure. Pursuant to the rule, I am invoking rule 56 for the court to determine if substantive legal principles warrant judgment for the defendant. I invoke the entire Records filed in the U.S. District Court for the Southern District of N.Y. in regards to this case.

The case which follows is in so many ways like my case. I hope this court will see how important and necessary to deal with the wrong doings by the courts and the defendant in my lawsuit and grant plaintiff relief.

(Rel. #16-1971) (Moore F.P.) page 510
35 Hazel - Atlas Glass Company -v- Hartford
Empire Company (1944) 322 U.S. 238, 246 —

In this case officers of the court perpetrated the fraud upon the court. That fraud supported an independent action. The circuit court did not hold that Hartford's fraud fell short of that which prompted equitable intervention,

but though Hazel had not exercised proper diligence in uncovering the fraud and that this should stand in the way of its obtaining relief . . . But even if Hazel did not exercise the highest degree of diligence, Hartford's fraud cannot be condoned for that reason alone.

This matter does not concern only private parties. There are issues of great moment to the public in a patent suit — Furthermore, tampering with the administration of justice in the manner indisputably shown here involves far more than an *injury to a single litigant.*

It is a wrong against the institutions set up to protect and safeguard the public institution in which fraud cannot complacently be tolerated consistently with the good order of society. Surely it cannot be that preservation of the integrity of the judicial process must always await upon the deiligence of litigants. The public welfare demands that the agencies of public justice be not so important that they must always be mute and helpless victims of deception and fraud.

Since an attorney was implicated in perpetrating the fraud, that is important. For an attorney is an officer of the court. While he should represent his client with loyalty, that loyalty does not demand that he act dishonestly or fraudlently; on the contrary his loyalty to the court as an officer thereof demands integrity and honest dealing with the court. And when he departs from the standard in the conduct of a case he perpetrates a fraud upon the court.

It is important to classify this fraud upon the court, *when the court or a member of the court participating in the decision, acts dishonestly engage in wrongdoings, perpetrates fraud upon the court.*

Although the saving clause is concerned with power reserved to the district court to enable them to grant relief in cases where fraud has been perpetrated upon them, *it in no ways detract from the appellate court's inherent* power to give relief where the fraud had been practiced upon the appellate court. Even though that court has only appellate jurisdiction, it *has the power to grant relief, both where the*

facts are admitted and where a trial of the facts is necessary. And in the latter situation it properly acts as a trier of the facts and judge of the law.

The plaintiff, appellant pray to this court to properly act as a trier of the facts and a judge of the laws in this case and rehear the petition.

The defendant, Small Business Administration, and the U.S. Distric Court in New York, violated acts of congress; and violated rules, laws and statutes and awarded the defendant, Small Business Administration, judgment against me and that judgment was based on fraud, misrepresentations, misappropriated exhibits, etc., and have been passed on to other courts.

The courts have since condoned the wrong doings by the U.S. District Court in New York and have also violated the plaintiff's, appellant right under the 1st, 7th and 14th amendments to the constitution of the U.S.

The appellant beged this court to grant the Writ of Certiorori, to make an equitable judgment on your findings, and grant the petitioner the opportunity to present her case and argue on the facts issues; present my evidence, my defense.

As stated in (Moore F.P.) tampering with the administration of justice in the manner shown in this case, involves far more than the injury to me as a litigant. It is a wrong against the institutions set up to protect and safeguard the public. I pray this court will protect the integrity of the judicial process.

Rule 38

JURY TRIAL OF RIGHT

(a) Right Preserved. The right of trial by jury as declared by the Seventh Amendment in the Constitution or as given by a staute of the United States shall be preserved to the parties inviolate.

Appendix ? The U.S. District Judge for the Southern District of New York, denied petitioner her right to a Jury Trial in this Govermental Suite.

The court awarded that judgment without giving the plaintiff the opportunity to defend. The Small Business Administration took away her business, her property and the district court denied her due process of the law. Judgment was founded on fraud, misrepresentation, misappropriated exhibits, perjured testimony, and untrue and sladerous statements. It appears that Judge Cannella knowingly and intentionally participated in perpetrating that fraud upon the court.

2. Appellant filed a complaint with the Small Business Administrative office. The S.B.A. findings contained false documents, and the court allowed the defendant motion for summary judgment and dismissed my case.

Fraud upon the court, perpetrated by officers of the court and affects the judicial machinery to the point it cannot perform in the usual manner, its impartial task of adjudging cases that are presented for adjudication (Moore F.P.) (Rel. No. 16-1971)

CONCLUSION

Because this case is about economic, business, jobs, my business, a "Black" owned business, business opportunities and economic growth, and the Small Business Administration unlawfully discriminating against me, engaged in a conspiracy and fraud, destroyed my business and profession, and character, and deprived me of all the opportunities and advantages provided for by the laws deprived me of economic growth. This suit was filed against the Small Business Administration for compensatory damages

caused by these deprivations and now totals over $8 million dollars, cannot pay for over 16 years of suffering, the oppression and persecution I have suffered. I pray the court will grant me the opportunity to defend my property, my business, (my job), my character, my profession and be compensated for the damages and losses that was caused.

Plaintiff should be awarded the damages requested in her complaint, because she was discriminated against and suffered severe business, economic, and social injuries and injustices were imposed upon her as a black woman, and false information was placed in her S.B.A. file preventing her from enjoying the full economic benefits to which the law provides. The Court illeagally allowed SBA's motions.

Also, defendant was wrongfully allowed to amend his answer to assert the statute of limitations, barring any part of plaintiff's claim from 1965 on.

Therefore, plaintiff is asking this court to order the Small Business Administration to pay her $500,000. for each year she has been:

1. Denied the opportunity to earn a living;
2. Denied the opportunity to participate in our economic struggle, by making jobs for others;
3. Denied the opportunity to participate in our free enterprise system;
4. To pay for the obstruction of my livelihood.

Dated: New York, New York
October 14, 1983

Respectfully submitted,

Venola Walton
Plaintiff-Appellant, Petitioner
539 West 148th Street
New York, N.Y. 10031

Petitioner Representing Herself

Courts Decisions

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

September Term 1982
Civil Action No. 82-01604

United States Court of Appeals
for the District of Columbia Circuit

Filed: May 20, 1983

George A. Fisher, Clerk

No. 83-1013
Venola Walton, Appellant
v.
Small Business Administration

BEFORE: MacKinnon, Mikva and Edwards
Circuit Judges

ORDER

Upon consideration of appellee's Motion for Summary Affirmance, and both appellant's response and brief on the merits, it is

ORDERED by the Court that the motion is granted. The judgment of the District Court is hereby affirmed for the reasons given in that Court's memorandum opinion.

It is FURTHER ORDERED by the Court, *sua sponte,* that the Clerk shall withhold issuance of the mandate herein until seven days after the disposition of any timely petition for rehearing. *See* Local Rule 14, as amended on November 30, 1981.

Per Curiam

Circuit Judge Mackinnon did not participate in this order.

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

September Term 1982
Civil Action No. 82-01604

United States Court of Appeals
for the District of Columbia Circuit

Filed: July 18, 1983

George A. Fisher, Clerk

No. 83-1013

Venola Walton, Appellant

v.

Small Business Administration, Appellee

BEFORE: Mikva and Edwards, Circuit Judges;
and MacKinnon, Senior Circuit Judge

ORDER

On consideration of the Petition for Rehearing of Appellant, filed June 30, 1983, it it

ORDERED by the Court that the aforesaid Petition is denied.

FOR THE COURT

George A. Fisher
Clerk

BY: s/ Robert A. Bonner
Robert A. Bonner
Chief Deputy Clerk

Circuit Judge MacKinnon did not participate in this Order.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Judith Bartnoff, AUSA

FILED: September 27, 1982

James E. Davey, Clerk

Civil Action No. 82-1604

Venola Walton, Plaintiff

v.

Small Business Administration, Defendant

MEMORANDUM

Now pending before the Court is plaintiff's Rule 60(b) motion for relief from the judgment of the United States District Court for the Southern District of New York dismissing for lack of jubject matter jurisdiction her claims of racial discrimination and defamation against the Small Business Administration.

Defendant has moved to dismiss for lack of subject matter jurisdiction and failure to state a claim upon which relief can be granted pursuant to Federal Rule of Civil Procedure 12(b)(1) and 12(b)(6), respectively.

DISCUSSION

The related facts of the instant case date back to 1964 when plaintiff, operating a dress designing and manufacturing business under the name of Emygrant Fashions, applied for and received an SBA loan of $6,000.00. Pursuant to the loan agreement, plaintiff was obligated to pay monthly installments of $99.00 and to submit annual financial statements to the SBA. After failing to submit the required financial statements, allegedly *failing to pay a number of installments,* and after experiencing financial difficulties in operating her business, plaintiff, in 1965, applied to the SBA for refinancing. Such application was denied. Evidently, between 1965 and 1975 plaintiff attempted but failed to

secure a loan from various commercial lending institutions.

On August 11, 1975 plaintiff filed a complaint with the SBA alleging sex and race discrimination in denying her loan application which complaint was investigated by the agency and subsequently closed due to lack of requested documentation in 1976. On July 26, 1976 plaintiff instituted a sex and race discrimination action against the SBA in the United States District Court for the Southern District of New York.[1] On January 23, 1978 the Court dismissed the action pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure (FRCP) for lack of jurisdiction over the subject matter,[2] and pursuant to Rule 12(b)(6) of the FRCP for failure to state a claim upon which relief can be granted. This dismissal was affirmed without published opinion by the United States Court of Appeals for the Second Circuit on June 19, 1978. *Walton V. Small Business Administration,* 578 F.2d 1372 (2nd Cir. 1978). That Court denied plaintiff's petition for rehearing and suggestion of rehearing en banc on August 29, 1978. Plaintiff's appeal to the Supreme Court

[1]The complaint also apparantly alledged defamation.

[2]Plaintiff had failed to exhaust her administrative remedies. *See Swift v. United States,* 614 F. 2d 812, 814 (1st Cir. 1980).

was treated as a petition for *writ* of certiorari and denied on February 21, 1979. *Walton v. Small Business Administration,* 440 U.S. 901 (1979). The Supreme Court denied plaintiff's petition for rehearing on April 16, 1979. *Walton v. Small Business Administration,* 441 U.S. 917 (1979).

On January 22, 1982, plaintiff filed a motion for relief from judgment in the United States District Court for the Southern District of New York which was denied as untimely on March 10, 1982. By order of April 23, 1982, the Court treated further submissions by plaintiff as a motion for reargument, granted such motion, and subsequently, in affirming the prior order of March 10, 1982 denying plaintiff's motion, the Court stated:

Because plaintiff filed the motion for relief from judgment approximately four years after the Court dismissed her complaint, her motion premised on Fed. R. Civ. P. 60(b)(3) was clearly untimely and, therefore, was denied. Moreover, because plaintiff (1) did not file her motion within a reasonable time after the Court dismissed her complaint, and (2) has not presented to the Court a legitimate reason to justify relieving her from the operation of the judgment, her motion made pursuant to Rule 60(b)(6) was also denied. Nothing contained in plaintiff's latest submissions persuades the Court to change its ruling as expressed in the order dated March 10, 1982.

On June 10, 1982, plainfitt filed a Rule 60(b) motion for relief from judgment in this Court seeking the identical relief sought in the United States District Court for the Southern District of New York which was denied on March 10 and April 23, 1982. *Because her current complaint now pending before* this Court fails to assert any new evidence or justification, other than a vague allegation of fraud, which were not presented to the United States District Court for the Southern District of New York, that decision must be interpreted as *res judicata* with regard to her Rule 60(b) motion in this Court. *See American Surety Co. v. Baldwin,* 287 U.S. 156, 166 (1932).

Insofar as plaintiff's complaint in this Court is construed as an independent action seeking relief from judgment, the judgment of the United States District Court for the Southern District of New York of March 10 and April 23, 1982 is likewise *res judicata on the merits as an "independent action [for relief from judgment] cannot be made a vehicle for relitigation of issues." Bankers Mortgage Company v. United States,* 423 F. 2d 73, 79 (5th Cir.), *cert. denied,* 399 U.S. 927 (1979). For these reasons, plaintiff's complaint for relief from judgment must be dismissed with prejudice.

Judge

Date: September 23rd, 1982

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

FILED: March 10, 1982

U.S. District Court, S.D. of N.Y.

ORDER

76 Civ. 3208 (JMC)
Pro Se

Venola Walton, Plaintiff
against
Small Business Administration, Defendant

CANNELLA, D.J.:

Plaintiff's motion for relief from judgment pursuant to Fed. R. Civ. P. 60(b) is denied as untimely.

After receiving the affidavits and exhibits submitted by plaintiff, the Court concludes that she seeks relief from the Judgment entered by the Court on Janaury 23, 1978, because of "fraud . . . misrepresentation, or other misconduct of an adverse party." Fed. R. Civ. P. 60(b)(3). Such a motion, however, must be made within one year of the date of judgment. Because plaintiff filed the instant motion approximately four years after the Court dismissed her complaint, the instant motion is clearly untimely. Moreover, assuming plaintiff is seeking relief under some other subsection of Rule 60 (b), the Court finds that the motion was not filed within a reasonable time after judgment was entered, as required by the rule.

Accordingly, plaintiff's motion for relief from judgment is denied. Fed. R. Civ. P. 60(b).

SO ORDERED

Dated: New York, N.Y.
March 10, 1982

s/ John M. Canella
JOHN M. CANNELLA
United States District Judge

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

76 Civ. 3208 (JMC)
Pro Se

Venola Walton, Plaintiff
against
Small Business Administration, Defendant

MEMORANDUM DECISION

CANNELLA, D.J.

Motion for summary judgment, Fed. R. Civ. P. 56(b), is granted as to the first claim in the complaint. Motion to dismiss for lack of subject matter jurisdiction, Fed. R. Civ. P. 12(b)(1), is granted as to the second claim. The complaint is dismissed.

Plaintiff Venola Walton, a black woman, brought this suit against the Small Business Administration ["SBA"] claiming that the agency's wrongful refusal to loan her money in 1965 and 1975 caused the failure of her dressmaking business.[1] Specifically, the complaint alleges that such loans were denied plaintiff on the basis of her sex and race and that the defendant placed false documents in her SBA file. Defendant moves to dismiss the complaint for lack of subject matter jurisdiction and, alternatively, for summary judgment. As to the first claim, the Court finds, on the basis of the affidavits and supporting papers, that there are no material facts in issue and that defendant is entitled to judgment as a matter of law. As to the second allegation, the Court finds it is jurisdictionally defective because plaintiff failed to file *an administravie claim.* 28 U.S.C. § 2675(a). The Court further finds that all claims arising from plaintiff's 1965 loan application are time-barred. 28 U.S.C. § 2401(b).

Plaintiff's discrimination claim consists merely of the fact that she is a black woman and that,

1 In November 1964 plaintiff was granted an SBA loan in the amount of $6,000. In November 1965 plaintiff defaulted in her loan payments, and the Internal Revenue Service closed plaintiff's business for non-payment of federal taxes. Plaintiff contests the adequacy of the 6,000. SBA loan and the agency's failure to lend her additional monies when she applied for them. On two occasions, the SBA denied her a loan. Defendant's moving papers set out the circumstances under which these loan applications were denied, and it appears to the Court that the agency's decisions were substantially supported. See 5 U.S.C. § 706. In response to the Government's papers, plaintiff has not advanced even one fact suggestive of discrimination. In such a case, the awarding of summary judgment is appropriate. *E.g.*, Donnelly v. Guion, 467 F. 2d 290, 293 (2d Cir. 1972); Appelgate v. Top Assocs., Inc., 425 F. 2d 92, 96 (2nd Cir. 1970); see Fed. R. Civ. P. 56(e).

Plaintiff's second claim, that the SBA placed false and damaging documents in her file, must be dismissed for lack of subject matter jurisdiction due to plaintiff's failure to file an administrative claim. Fed. R. Civ. P. 12(b)(1); 28 U.S.C. § 2675(a). Additionally, insofar as the claim is one for defamation, the doctrine of sovereign immunity would act as a bar to suit, 28 U.S.C. § 2680(h), and the Court finds the claim to be plainly frivolous.

Plaintiff, like so many other persons, tried to make a go of her own business, and failed. For a variety of reasons, none of which involved plaintiff's race or sex, the SBA decided in its discretion that its funds should not be used to help fund her enterprise. In the absence of a showing tha the SBA's decision rested on improper criteria, its decision cannot be disturbed.

For the above reasons, defendant's motions are granted and the complaint is dismissed.

The foregoing constitute the findings of fact and conclusions of law of the Court pursuant to Fed. R. Civ. P. 52(a).

SO ORDERED.

s/John M. Cannella
JOHN M. CANNELLA,
U.S.D.J.

Dated: New York, N.Y.
January 17, 1978

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

76 Vic. 3208 (JMC)

Venola Walton, Plaintiff

v.

Small Business Administration, Defendant

MEMORANDUM IN OPPOSITION TO PLAINTIFF'S MOTION FOR RELIEF FROM A JUDGMENT

Plaintiff has filed a Motion for Relief of a Judgement pursuant to Rule 60(b) of the Federal Rules of Civil Procedure. This memorandum is respectfully submitted by defendant Small Business Administration in opposition to that motion.

STATEMENT OF RELEVANT FACTS

The Judgment which plaintiff would have set aside was entered on January 23, 1982, some four years after entry of judgment dismissing plaintiff's complaint, and approximately 3 and ½ years from the time that judgment was affirmed with costs by the United States Court of Appeals for the Second Circuit.

Plaintiff's motion is apparently based upon a claim that the judgment in question was "based on fraud, misrepresentation, misappropriated exhibits, perjured testimony, and untrue and slanderous statements . . ." Walton Affidavit at 2.

ARGUMENT

PLAINTIFF'S MOTION IS UNTIMELY

Rule 60(b) of the Federal Rules of Civil Procedure provide in relevant part as follows:

> On motion and upon such terms as are just, the court may relieve a party or his legal representative from a final judgment, order or proceeding for the following reasons:

(3) Fraud (whether heretofore denominated instrinsic or extrinsic), misrepresentation, or other misconduct of an adverse party;

The motion shall be made within a reasonable time, and for reasons (1), (2), and (3) not more than one year after the judgment, order or proceeding was entered or taken.

Plaintiff's Rule 60(b) motion finds whatever basis it may have in reason (3). It was, however, filed well without the one-year limitation period mandated by Rule 60(b). That time limit may not be extended under Rule 60(b), F.R. Civ. P. Accordingly, the motion is untimely and must be denied. See generally 11 Wright and Miller, *Federal Practice and Procedure* § 2866 at pp. 232-33, and cases there cited.

CONCLUSION

For the reason stated the motion should be denied in all respects.

Dated: New York, New York

Respectfully,

JOHN S. MARTIN, JR.
United States Attorney for the
Southern District of New York
Attorney for Defendant

JONATHAN A. LINDSEY
Assistant United States Attorney

- Of Counsel -

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Filed September 27, 1982
James F. Davey, Clerk

Civil Action No. 82-1604

Venola Walton, Plaintiff
v.
Small Business Administration, Defendant

ORDER

Upon consideration of plaintiff's complaint, defendant's motion to dismiss, plaintiff's opposition thereto, the memoranda in support thereof and in opposistion thereto, the entire record, and for the reasons hereinafter set forth in the accompanying memorandum, it is by the Court this *23rd* day of September, 1982,

ODERED that defendant's motion to dismiss be, and hereby is, granted; and it is further

ORDERED that plaintiff's complaint for relief from judgment be, and hereby is, dismissed with prejudice.

Judge

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Filed November 29, 1982

James F. Davey, Clerk

Civil Action No. 82-1604

Venola Walton, Plaintiff

v.

Small Business Administration, Defendant

ORDER

Upon consideration of plaintiff's petition for reconsideration, the attachments appended thereto, the entire record herein, and it appearing that plaintiff has failed to present this Court with any grounds justifying a reconsideration of this Court's decision entered herein on September 27, 1982, and it further appearing that relief from the judgment of the United States District Court for the Southern District of New York, entered on January 23, 1978, is not warranted whether plaintiff's original submission is considered as a motion for relief from judgment pursuant to Rule 60(b)(6) of the Federal Rules of Civil Procedure or as an independent action seeking relief from judgment, it is by the Court this *24th* day of November, 1982.

ORDERED, that plaintiff's petition for reconsideration of this Court's decision entered herein on September 27, 1982 be, and hereby is, denied.

United States District Judge

539 West 148th Street, Apt. 6
New York, N.Y. 10031
October 15, 1975

Mr. Thomas S. Kleppe, Administrator
Small Business Administration
1441 L. Street, N.W.
Washington, D.C. 20416

Dear Mr. Kleppe,

I am writing in reference to a complaint I mailed to you by registered mail, on August 11, 1975. The complaint was against the S.B.A., charging discrimination. I received no reply. I then registered a letter to you requesting a return recepit, on September 10th, 1975.

I received a telephone call from Mr. Robert L. Maxwell on September 30th, and on October 10th, Mr. Maxwell sent me a report of his findings. His report contained many false statements that must be proven. He omitted many important facts that must be brought out, in order to make an honest judgment.

Therefore, Mr. Kleppe, I would like a hearing of this complaint, in order that all the facts can be presented.

I do hope you will review the complaint and deal with it justly, and if necessary, the opportunity for a hearing will be granted.

You immediate attention in this matter will be greatly appreciated.

Very truly yours,

Venola Walton

The Facts were not considered
In the Court's Decisions

The Small Business Administration intentionally discriminated against me, engaed in conspiracy and fraud to prevent a black woman from operating a successful business, participating in the economic growth of our country. The defendant's actions raise questions for review.

1. Why did the Small Business Administration demand that I get another jobber, when I had a jobber supplying me with work to the capacity of my shop?

2. Why did they hold my application for six months and not process the loan?

3. Why, after demanding that I get another jobber, when the work was already to come into my shop, the Small Business Administration would not let the work come into my shop?

4. Why, when my landlord wrote the SBA a letter, granting me generous time, for me to take the work in, and for the SBA to process the loan, they still did not allow the work to come into my shop? Nor process the loan.

5. There had not been any delinquents in the payments of my loan notes to SBA; why did the defendants, Small Business Administration, place a delinquent notice in my SBA file just three months after they had granted me a $6,000. loan?

6. And why did that notice remain in my SBA file for 10 years?

7. And, why was it issued by the Administrative office, given as a reason why my 1965 loan had been denied?

This action involves important Constitutional and public questions and requires the jurisdiction of this Court.

Whether the District Court lacked subject matter jurisdiction over claims.

Whether the Small Business Administration should have been granted leave to amend its answer and counterclaim to assert the statute of limitations as an affirmative defense, seven months after the first filing and shortly after moving to dismiss, and whether this case was subject to summary dismissal.

Whether the administrative office exercised its authoritative powers in the interest of my business, and whether I was given equal protection and opportunity as provided under the Economic Opportunity Act of 1964. The Samll Business Administration purposely denied me the opportunities and advantages that were available for minority, or just small businesses, during that period.

The defendant intentionally committed these unlawful acts against the plaintiff, a "Black" woman and closed her business to prevent her from being a part of the economic structure of our country, violated plaintiff's constitutional right to own and operate her business, deprived her of earning a living, and economic growth and development to the fullness of my potential.